Chapter 2

PROGRAM PLANNING

I. Introduction.

OSHA's mission is to assure the safety and health of America's working men and women by promulgating and enforcing standards and regulations; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health as well as the development of comprehensive safety and health management systems. Effective and efficient use of resources requires careful, flexible planning. In this way, the overall goal of hazard abatement and employee protection is best served.

II. Area Office Responsibilities.

A. Providing Assistance to Small Employers.

1. In 1996, the Congress passed the Small Business Regulatory Enforcement Fairness Act (SBREFA) to respond to the concern expressed by the small business community that Federal regulations were too numerous and complex, and that small business needed special assistance in understanding and complying with those regulations.
2. SBREFA requires all federal agencies regulating small businesses to have in place programs to provide guidance and compliance assistance. These programs must contain procedures to answer inquiries by small entities (small businesses). These programs also provide information on and advice about compliance with the statutes and regulations; interpretations; and applications of the law to specific sets of facts supplied by the small entity.

NOTE: See CPL 02-00-121, *Providing Assistance to Smaller Employers*, March 12, 1998.

B. Area Office Outreach Program.

The Area Director or designee will ensure that the Area Office maintains an outreach program appropriate to local conditions and the needs of the service area. The plan may include Regional and National Office support services, compliance assistance services including assistance in developing compliance safety and health management systems, training and education services, referral services, cooperative programs, abatement assistance, and technical services.

C. Responding to Requests for Assistance.

All requests from employers or employees for compliance information or assistance shall receive timely, accurate, and helpful responses from OSHA. See the section on Information Requests in this chapter for additional information.

III. OSHA Cooperative Programs Overview.

OSHA offers a number of avenues for businesses and organizations to work cooperatively with the Agency. Compliance Officers should discuss the various cooperative programs with employers.

A. Voluntary Protection Programs (VPP).

EXHIBIT A

The Voluntary Protection Programs (VPP) are designed to recognize and promote effective safety and health management. A hallmark of VPP is the principle that management, labor, and OSHA can work together in pursuit of a safe and healthy workplace. VPP participants are employers who have successfully designed and implemented a health and safety management system at their worksites, and are exempt from programmed inspections.

NOTE: See CSP 03-01-003, *Voluntary Protection Programs (VPP): Policies and Procedures Manual*, April 18, 2008, for additional information.

B. On-site Consultation Program.

OSHA On-site Consultation Programs are available in all 50 states as well as the District of Columbia, Guam, Northern Marianas Islands, Puerto Rico and the Virgin Islands under Section 21(d) and 23(g) agreements with Federal OSHA or under State Plans approved by OSHA.

1. The state On-site Consultation Program offers a variety of services at no cost to employers. These services include assisting in the development and implementation of an effective safety and health management system, and offering training and education to the employer and employees at the worksite. Small businesses in high-hazard industries or those involved in hazardous operations receive priority.
2. The State On-site Consultation Program is separate from OSHA's enforcement efforts. Under On-Site Consultation Programs, no citations are issued, nor are penalties proposed.

C. Safety and Health Achievement Recognition Program (SHARP).

Another program that recognizes employers' efforts to create a safe workplace and exempts them from programmed inspections is the Safety and Health Achievement Recognition Program (SHARP). This program is administered by the State On-site Consultation Program but is funded under Section 21(d) of the Act.

SHARP is designed to provide incentives and support to those employers that implement and continuously improve effective safety and health management system(s) at their worksite. SHARP participants are exempted from OSHA programmed inspections.

NOTE: See CSP 02-00-002, *Consultation Policies and Procedures Manual*, January 18, 2008, for additional information.

D. Strategic Partnerships.

Organizations can enter into Strategic Partnerships with OSHA to address specific safety and health issues. In these partnerships, OSHA enters into extended, voluntary, cooperative relationships with groups of employers, employees, and employee representatives (sometimes including other stakeholders, and sometimes involving only one employer) in order to encourage, assist, and recognize efforts to eliminate serious hazards and to achieve a high level of worker safety and health.

NOTE: See CSP 03-02-003, *OSHA Strategic Partnership Program for Worker Safety and Health*, November 6, 2013, for additional information.

E. Alliance Program.

Through the Alliance Program, OSHA works with groups committed to worker safety and health to prevent workplace fatalities, injuries, and illnesses. These groups include unions, consulates, trade or professional organizations, businesses, faith- and community-based organizations, and educational institutions. OSHA and the groups work together to develop compliance assistance tools and resources, share information with workers and employers, and educate workers and employers about their rights and responsibilities. Alliance Program participants do not receive exemptions from OSHA inspections or any other enforcement benefits.

NOTE: See CSP 04-01-001, *OSHA Alliance Program*, June 10, 2004, for additional information.

NOTE: See Section VI.H., of this chapter, Enforcement Scheduling and Interface with Cooperative Program Participants, for additional information.

IV. Enforcement Program Scheduling.

A. General.

1. OSHA's priority system for conducting inspections is designed to allocate available OSHA resources as effectively as possible to ensure that maximum feasible protection is provided to working men and women. The Area Director or designee will ensure that inspections are scheduled within the framework of this chapter, that they are consistent with the objectives of the Agency, and that appropriate documentation of scheduling practices is maintained.
2. The Area Director or designee will also ensure that OSHA resources are effectively distributed during inspection activities. If an inspection is of a complex nature, the Area Director or designee may consider utilizing additional OSHA resources (e.g., the Health Response Team). In other circumstances, the use of outside resources may aid the Area or District Office to deploy available resources more effectively. The Area Office will retain control of the inspection.

B. Inspection Priority Criteria.

Generally, priority of accomplishment and of assigning staff resources for inspection categories is as shown in Table 2-1 below:

Table 2-1: Inspection Priorities

Priority	Category
First	Imminent Danger
Second	Fatality/Catastrophe (NOTE)
Third	Complaints/Referrals
Fourth	Programmed Inspections

NOTE: OSHA Area Offices will determine the inspection priority of a **catastrophe** using the Memorandum entitled, "*Interim Enforcement Procedures for New Reporting Requirements under 29 C.F.R. 1904.39*", dated December 24, 2014, or unless superseded by future agency-approved correspondence.

1. Efficient Use of Resources.

Deviations from this priority list are allowed so long as they are justifiable, lead to the efficient use of resources, and promote effective worker protection. An example of such a deviation would be when the Agency, Regional Administrator or an Area Director commits a certain percentage of resources to programmed Special Emphasis Program (SEP) inspections such as a National Emphasis Program (NEP), a Regional

Emphasis Program (REP), or Local Emphasis Program (LEP). Inspection scheduling deviations must be documented in the case file.

2. Follow-up Inspections.

   In cases where follow-up inspections are necessary, they shall be conducted as promptly as resources permit. In general, follow-up inspections shall take priority over all programmed inspections and any unprogrammed inspection in which the hazards are anticipated to be other-than-serious.

   NOTE: See Chapter 7, Post-Citation Procedures and Abatement Verification, for additional information.

3. Monitoring Inspections.

   When a monitoring inspection is necessary, the priority is the same as for a follow-up inspection.

   NOTE: See Chapter 7, Post-Citation Procedures and Abatement Verification, for additional information.

4. Employer Information Requests.

   Contacts for technical information initiated by employers or their representatives will not trigger an inspection, nor will such employer inquiries protect the requesting employer against inspections conducted pursuant to existing policy, scheduling guidelines and inspection programs established by the Agency.

5. Reporting of Imminent Danger, Catastrophe, Fatality, Amputations, Accidents, Referrals or Complaints.

   The Area Director or designee will act in accordance with established inspection priority procedures.

   NOTE: See Section V., of this chapter, Unprogrammed Activity – Hazard Evaluation and Inspection Scheduling, for additional information.

C. Effect of Contest.

If an employer has contested a citation and/or a penalty from a previous inspection at a specific worksite, and the case is still pending before the Review Commission, the following guidelines apply to additional inspections of the employer at that worksite:

1. If the employer has contested the penalty only, the inspection will be scheduled as if there were no contest.

2. If the employer has contested the citation itself or any items therein, then programmed and unprogrammed inspections will be scheduled, but all violative conditions under contest will be excluded from the inspection unless a potential imminent danger is involved.

   NOTE: See Section IV.B., Inspection Priority Criteria, of this chapter for additional information.

D. Enforcement Exemptions and Limitations.

1. In providing funding for OSHA, Congress has consistently placed restrictions on enforcement activities for two categories of employers: small farming operations and small employers in low-hazard industries. Congress may place exemptions and limitations on OSHA activities through the annual Appropriations Act.

2. Before initiating an inspection of an employer in these categories, the Area Office will evaluate whether the Appropriations Act for the fiscal year would prohibit the

inspection. Where this determination cannot be made beforehand, the CSHO will determine the status of the small farming operation or a small employer in a low-hazard industry upon arrival at the workplace. If the prohibition applies, the inspection shall immediately be discontinued.

NOTE: See CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*, May 28, 1998, for additional information.

E. Preemption by Another Federal Agency.

1. Section 4(b)(1) of the Act states that the Act does not apply to working conditions over which other federal agencies exercise statutory responsibility "to prescribe or enforce standards or regulations affecting occupational safety or health." The determination of preemption by another federal agency is, in many cases, a highly complex matter.
2. If a question arises, usually upon receipt of a complaint, referral, or other inquiry, consult the list of Memorandums of Understanding (MOU) on the OSHA website to determine if the issue has been previously addressed. A MOU is an agreement created to address/resolve coverage issues and to improve the working relationships between other federal agencies and organizations regarding employee safety and health.
3. At times, an inspection may have already begun when the coverage jurisdiction question arises. Any such situations will be brought to the attention of the Area Director, Regional Solicitor, or designee as soon as they arise, and dealt with on a case-by-case basis.
4. Two examples of MOUs include the following:
   a. Mine Safety and Health Administration - Interagency Agreement between the Mine Safety and Health Administration and OSHA, dated March 29, 1979.
   b. United States Coast Guard/U.S. Department of Transportation - Authority of Coast Guard and OSHA regarding enforcement of safety and health standards aboard vessels inspected and certified by the Coast Guard, dated March 4, 1983.

F. United States Postal Service.

1. The Postal Employee Safety Enhancement Act of 1998 applies the Act to the U.S. Postal Service in the same manner as the Act applies to a private sector employer.
2. All State Plan States elected not to cover the U.S. Postal Service. Thus, Federal OSHA retains authority to cover the U.S. Postal Service nationwide. Federal coverage in State Plan States encompasses U.S. Postal Service employees and contract employees engaged in U.S. Postal Service mail operations. Coverage includes contractor-operated facilities engaged in mail operations and postal stations in public or commercial facilities. State Plan States continue to exercise jurisdiction over all other private sector contractors working on U.S. Postal Service sites who are not engaged in U.S. Postal Service mail operations, such as building maintenance and construction employees. (See the Final Rule on *State Plans Coverage of the U.S. Postal Service* (65 FR 36618, June 9, 2000)).
3. Violations documented during inspections initiated at a U.S. Postal Service site will be cited with penalties in accordance with the FOM and other applicable OSHA policies for the private sector.

NOTE: See CPL 02-00-122, *Enforcement Guidance for the U.S. Postal Service*, dated April 16, 1999, for additional information.

G. Home-Based Worksites.

1. The agency will not perform any inspections of employees' home offices. A home office is defined as office work activities in a home-based setting/worksite (e.g., filing, keyboarding, computer research, reading, writing) and may include the use of office equipment (e.g., telephone, facsimile machine, computer, scanner, copy machine, desk, file cabinet).

2. OSHA will only conduct inspections of other home-based worksites, such as home manufacturing operations, when it receives a complaint or referral alleging that a violation of a safety or health standard exists that threatens physical harm, that an imminent danger is present, or that there was a work-related fatality.

NOTE: See CPL 02-00-125, *Home-Based Worksites*, February 25, 2000, for additional information.

H. Inspection/Investigation Types.

1. Unprogrammed.

Inspections scheduled in response to alleged hazardous working conditions identified at a specific worksite are classified as unprogrammed. This type of inspection responds to:

a. Imminent Dangers;

b. Fatalities/catastrophes;

c. Complaints; and

d. Referrals.

e. It also includes follow-up and monitoring inspections scheduled by the Area Office.

NOTE: This category includes all employers/employees directly affected by the subject of the unprogrammed inspection activity, and is especially applicable on multi-employer worksites.

NOTE: Not all complaints and referrals qualify for an inspection. See Chapter 9, Complaint and Referral Processing, for additional information.

NOTE: See CPL 02-00-124, *Multi-Employer Worksite Citation Policy*, December 10, 1999, for additional information.

2. Unprogrammed Related.

Inspections of employers at multi-employer worksites whose operations are not directly addressed by the subject of the conditions identified in a complaint, accident, or referral are designated as unprogrammed related.

An example would be: A trenching inspection conducted at the unprogrammed worksite where the trenching hazard was not identified in the complaint, accident report, or referral.

3. Programmed.

Worksite safety and health inspections that have been scheduled based upon objective or neutral selection criteria are programmed inspections. The worksites are selected according to national scheduling plans or under local, regional, and national special emphasis programs.

4. Program Related.

Inspections of employers at multi-employer worksites whose activities were not included in the programmed assignment, such as a low injury rate employer at a worksite where programmed inspections are being conducted for all high rate employers.

V. Unprogrammed Activity – Hazard Evaluation and Inspection Scheduling.

Enforcement procedures relating to unprogrammed activity are located in subject specific chapters of this manual:

- Imminent Danger, see Chapter 11, Imminent Danger, Fatality, Catastrophe, and Emergency Response.
- Fatality/Catastrophe, see Chapter 11, Imminent Danger, Fatality, Catastrophe, and Emergency Response.
- Emergency Response, see Chapter 11, Imminent Danger, Fatality, Catastrophe, and Emergency Response.
- Complaint/Referral Processing, see Chapter 9, Complaint and Referral Processing.
- Whistleblower Complaints, see Chapter 9, Complaint and Referral Processing.
- Follow-ups and Monitoring, see Chapter 7, Post-Citation Procedures and Abatement Verification.

VI. Programmed Inspections.

A. Scheduling for Construction Inspections.

Due to the mobility of the construction industry, the transitory nature of construction worksites and the fact that construction worksites frequently involve more than one employer, inspections are scheduled from a list of construction worksites rather than construction employers. The OSHA National Office will provide to each Area/District Office a randomly selected list of construction projects from identified or known covered active projects. This list will contain the projected number of sites that the field office has reported it plans to inspect during the next month. Projects are selected in accordance with the inspection schedule for construction.

NOTE: See CPL 02-00-141, *Inspection Scheduling for Construction*, July 14, 2006.

B. Scheduling for Maritime Inspections.

Maritime inspection activities are covered in greater detail in Chapter 10, Section III., Maritime.

1. Marine Cargo Handling Industry.

The marine cargo handling industry is made up of longshoring activities (i.e., cargo handing aboard vessels, 29 C.F.R. Part 1918) and activities within marine terminals (i.e., cargo handling ashore; 29 C.F.R. 1917). Because these activities are different, several scheduling methods are necessary. Consequently, marine cargo handling industry inspections can be scheduled as National Emphasis Programs (NEPs), Regional Emphasis Programs (REPs), Local Emphasis Programs (LEPs), or from lists developed in accordance with CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995.

NOTE: See CPL 02-00-154, *Longshoring and Marine Terminals "Tool Shed" Directive*, July 31, 2012, for more information.

2. Shipbreaking.

   CPL-03-00-012, *OSHA's National Emphasis Program (NEP) on Shipbreaking*, November 4, 2010, describes policies and procedures to reduce or eliminate workplace hazards associated with shipbreaking operations.

   Also, OSHA has entered into a *Memorandum of Agreement on Interagency Coordination for Ship Scrapping (i.e., shipbreaking) between DOD/DOT/EPA/DOL-OSHA*, November 16, 1999.

3. Shipyard Employment.

   The shipyard employment industry is made up of several industrial activities and because these activities are different, several scheduling methods are necessary. Consequently, shipyard employment inspections can be scheduled under NEPs, REPs, LEPs, or from lists developed in accordance with CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995 and CPL 02-01-049, *Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment*, November 4, 2010.

   NOTE: See CPL 02-00-157, *Shipyard Employment "Tool Bag" Directive*, April 1, 2014, for more information.

C. Special Emphasis Programs (SEPs).

Special Emphasis Programs provide for programmed inspections of establishments in industries with potentially high injury or illness rates that are not covered by other programmed inspection scheduling systems or, if covered, where the potentially high injury or illness rates are not addressed to the extent considered adequate under the specific circumstances. SEPs are also based on potential exposure to health hazards. Special emphasis programs may also be used to develop and implement alternative scheduling procedures or other departures from national procedures. Special emphasis programs can include National Emphasis Programs, Regional Emphasis Programs and Local Emphasis Programs.

1. Identification of Special Emphasis Programs.

   The description of the particular Special Emphasis Program shall be identified by one or more of the following:

   a. Specific industry;
   b. Trade/craft;
   c. Substance or other hazard;
   d. Type of workplace operation;
   e. Type/kind of equipment; and
   f. Other identifying characteristic.

2. Special Emphasis Program Scope.

   The reasons for and the scope of a Special Emphasis Program shall be described; and may be limited by geographic boundaries, size of worksite, or similar considerations.

3. Pilot Programs.

   National or local pilot programs may also be established under Special Emphasis Programs. Such programs may be conducted for the purpose of assessing the actual extent of suspected or potential hazards, determining the feasibility of new or experimental compliance procedures, or for any other legitimate reason.

D. National Emphasis Programs (NEPs).

OSHA develops National Emphasis Programs to focus outreach efforts and inspections on specific hazards in a workplace.

E. Local Emphasis Programs (LEPs) and Regional Emphasis Programs (REPs).

LEPs and REPs are types of special emphasis program in which one or more Area Offices of a Region participate. LEPs and REPs are generally based on knowledge of local industry hazards or local industry injury/illness experience. LEPs and REPs must be developed and approved when one or more Area Offices within a Region target inspections to a specific industry(s), hazard(s), or other workplace characteristic(s), e.g., as part of, or in conjunction with, a local initiative or problem-solving project. A list of LEPs may be found on the OSHA website under the Directorate of Enforcement Programs.

NOTE: See CPL 04-00-001, *Procedures for Approval of Local Emphasis Programs (LEPs)*, dated November 10, 1999, for additional information. Also, see Memorandum on *Procedures for Local and Regional Emphasis Programs*, dated December 3, 2014.

OSHA directives include topic specific scheduling procedures in addition to the general information provided in this section.

F. Other Special Programs.

The Agency may develop programs to cover special categories of inspections that are not covered under a Special Emphasis Program.

G. Inspection Scheduling and Interface with Cooperative Program Participants.

Employers who participate in voluntary compliance programs may be exempt from programmed inspections and eligible for inspection deferrals or other enforcement incentives. The Area Director or designee will determine whether the employer is actively participating in a Cooperative Program that would impact inspection and enforcement activity at the worksite being considered for inspection. Where possible, this determination should be made prior to scheduling the inspection.

Information regarding a facility's participation in the following programs should be available prior to scheduling inspection activity:

- VPP Program;
- Pre-SHARP and SHARP Participants;
- Consultation 90-Day Deferrals.

1. Voluntary Protection Program.

   a. Regional VPP Manager Responsibilities.

   The Regional VPP managers must keep Area Directors or their designees informed about VPP applicants and the status of participants in the VPP. This will prevent unnecessary scheduling of programmed inspections at VPP sites and ensure efficient use of resources. Area Directors or their designee should be informed:

   - That the site can be removed from the programmed inspection list. Such removal may occur no more than 75 days prior to the on-site evaluation;
   - Of the site's approval for the VPP program;
   - Of the site's withdrawal or termination from the VPP program; and

- If the Regional VPP Manager is the first person notified by the site of an event requiring enforcement, the VPP Manager must instruct the site to contact the appropriate Area Office.

b. Programmed Inspections and VPP Participation.

- Inspection Deferral. Approved sites must be removed from any programmed inspection lists for the duration of participation, unless a site chooses otherwise. The applicant worksite will be deferred starting no more than 75 calendar days prior to the commencement of its scheduled pre-approval on-site review.
- Inspection Exemption. The exemption from programmed inspections for approved VPP sites will continue for as long as they continue to meet VPP requirements. Sites that have withdrawn or have been terminated from VPP will be returned to the programmed inspection list, if applicable, at the time of the next inspection cycle.

c. Unprogrammed Enforcement Activities at VPP Sites.

When an Area Office receives a complaint, or a referral other than from the OSHA VPP on-site team, or is notified of a fatality, catastrophe, or other event requiring an enforcement inspection at a VPP site, the Area Director or designee must initiate the inspection following normal OSHA enforcement procedures.

- The Area Office must immediately notify the Regional VPP Manager of any fatalities, catastrophes or other incidents occurring at a VPP worksite that require an enforcement inspection; as well as of a referral or complaint that concerns a VPP worksite, including complaint inquiries that would receive a letter response. If the VPP is a national VPP, the National Office should be notified.
- If the Regional VPP Manager is the first person notified by the site of an event requiring an enforcement inspection, the VPP Manager must instruct the site to contact the appropriate Area Office (and the National Office if the fatality is on a National VPP site).
- The inspection will be limited to the specific issue of the unprogrammed activity. If citations are issued as a result of the inspection, a copy of the citation will be sent to the Regional VPP Manager. When an Area Office receives a referral from the VPP on-site team, the Area Director must notify the participant and the ASEC. Enforcement action may be initiated only after the ASEC approves such action. See CSP 03-01-003, *Voluntary Protection Programs (VPP): Policies and Procedures Manual*, April 18, 2008.
- The Area Director will send the VPP Manager a copy of any report resulting from an enforcement case.

2. Consultation.

a. Consultation Visit in Progress.

- If an on-site consultation visit is in progress, it will take priority over OSHA programmed inspections as outlined below. An on-site consultation visit will be considered "in progress" in relation to the working conditions, hazards, or situations covered by the visit from the beginning of the opening conference through the end of the correction due dates and any extensions thereof. If an on-site consultation visit is already in progress, it will terminate when one of the following OSHA compliance inspections is about to take place:

- Imminent danger inspection;
- Fatality/catastrophe inspection;
- Complaint inspections; and/or
- Other critical inspections, as determined by the Assistant Secretary.

➢ "Other critical inspections" may include, but are not limited to, referrals as defined in Chapter 9, Complaint and Referral Processing. Following an evaluation of the hazards alleged in a referral, if the **Assistant Secretary** determines that enforcement action is required prior to the end of an abatement period established by the state consultation project, the consultation visit in progress shall be immediately terminated to allow for an enforcement inspection.

➢ For purposes of efficiency and expediency, an employer's worksite shall not be subject to concurrent consultation and enforcement-related visits. The following excerpts from CSP 02-00-002, *Consultation Policies and Procedures Manual, Chapter 7: Relationship to Enforcement*, January 18, 2008, clarify the interface between enforcement and consultation activity at the worksite:

- Full Service On-site Consultation Visits. While a worksite is undergoing a full service on-site consultation visit for safety and health, programmed enforcement activity may not occur until after the end of the worksite's visit "In Progress" status.
- Full Service Safety or Health On-site Consultation Visits. When an on-site consultation visit "in progress" is discipline-related, whether for safety or health, programmed enforcement activity may not proceed until after the end of the worksite's visit "In Progress" status and is limited to the discipline examined, safety or health.
- Limited Service On-site Consultation Visits. If a worksite is undergoing a limited service on-site consultation visit, whether focused on a particular type of work process or a hazard, programmed enforcement activity may not proceed while the consultant is at the worksite. The re-scheduled enforcement activity must be limited to those areas that were not addressed by the scope of the consultative visit (posted List of Hazards).

b. Enforcement Follow-Up and Monitoring Inspections.

If an enforcement follow-up or monitoring inspection is scheduled while a worksite is undergoing an on-site consultation visit, the inspection shall not be deferred; however, its scope shall be limited to those areas required to be covered by the follow-up or monitoring inspection. In such instances, the consultant must halt the on-site visit until the enforcement inspection is completed. In the event OSHA issues a citation(s) as a result of the follow-up or monitoring inspection, an on-site consultation visit may not proceed until the citation(s) becomes a final order(s).

c. Enforcement Programmed Inspections.

On-site Consultation and 90-Day Deferral.

- If an establishment has requested an initial full-service comprehensive consultation visit for safety and health from the State OSHA On-site Consultation Program, and that visit has been scheduled by the State Program, a programmed inspection may be deferred for 90 calendar days from the date of the notification by the State Program to the Regional Office. No extension of the deferral beyond the 90 calendar days is possible, unless the consultation visit is "in progress."
- OSHA may, however, in exercising its authority to schedule inspections, assign a lower priority to worksites where consultation visits are scheduled.

NOTE: See CSP 02-00-002, *Consultation Policies and Procedures Manual,* January 18, 2008, of Chapter 7, Relationship to Enforcement, for additional information.

3. Pre-Safety and Health Achievement Recognition Program (Pre-SHARP) Status.

a. Those employers who do not meet the SHARP requirements, but who exhibit a reasonable promise of achieving agreed-upon milestones and time frames for SHARP participation, may be granted Pre-SHARP status. Pre-SHARP participants receive a full- service, comprehensive consultation visit that involves a complete safety and health hazard identification survey, including a comprehensive assessment of the worksite's safety and health management system.

b. The deferral time frame recommended by the State Consultation Project Manager must not exceed a total of 18 months from the expiration of the latest hazard correction due date(s), including extensions. Upon achieving Pre-SHARP status, employers may be granted a deferral from OSHA programmed inspections. The following types of incidents can trigger an OSHA enforcement inspection at Pre-SHARP sites:

- Imminent danger;
- Fatality/catastrophe; and
- Formal complaints.

4. Safety and Health Achievement Recognition Program (SHARP).

SHARP is designed to provide support and incentives to those employers that implement and continuously improve effective safety and health management system(s) at their worksite. SHARP participants are exempted from OSHA programmed inspections, see §1908.7(b)(4).

a. Duration of SHARP Status.

All initial approvals of SHARP status will be for a period of up to two years, commencing with the date the Regional Office approves an employer's SHARP application. After the initial approval, all SHARP renewals will be for a period of up to three years.

b. OSHA Inspection(s) at SHARP Worksites.

As noted above, employers that meet all the requirements for SHARP status will have the names of their establishments deleted from OSHA's Programmed Inspection Schedule. However, pursuant to §1908.7(b)(4)(ii), the following types of incidents can trigger an OSHA enforcement inspection at SHARP sites: imminent danger; fatality/catastrophe; or formal complaints.

NOTE: See CSP 02-00-002, *Consultation Policies and Procedures Manual, Chapter 8: OSHA's Safety and Health Achievement Recognition Program (SHARP) and Pre-SHARP*, January 18, 2008, for additional information.

5. OSHA Strategic Partnership Program (OSPP).

a. Deferral from Programmed Inspection List for Non-Construction OSPs.

- New or renewed OSHA Strategic Partnerships (OSPs) will no longer include any programmed inspection deferral or deletion provisions. Only active VPP or SHARP worksites are eligible for this incentive. (See See CSP 03-02-003, *OSHA Strategic Partnership Program for Worker Safety and Health*, November 6, 2013, for additional information.)

b. Programmed Inspection with a Limited Scope.

- For non-construction worksites, OSHA will no longer offer a limited scope inspection to an establishment operated by an OSHA partnering employer. However, a National partnership agreement may include a limited scope inspection where it can be clearly demonstrated to result in a more effective partnership. Therefore, any partnership agreement that contains a provision for a limited scope inspection must be approved by the Assistant Secretary in advance of the OSP's development based on a detailed statement of the benefits to the partnership. For inspections with limited scope, the workplace hazards to be addressed will be determined by OSHA with input from the partner(s). OSHA may expand the scope of the inspection based on information gathered during the inspection process.
- To gain a limited scope inspection as a benefit, the establishment must have undergone an on-site non-enforcement verification inspection within one year of the date of the programmed inspection.

c. Deletion from Programmed Inspection List.

- OSPs signed or renewed after July 27, 2012 will no longer include any programmed inspection deferral or deletion provisions. Only cooperative worksites qualifying for VPP or SHARP are eligible for this benefit. In addition, new or renewed OSPs will not allow the use of OSHA's "Phone & Fax" procedures beyond the scope of those permitted in the FOM.

6. Alliances.

Unlike OSHA's OSP, VPP, and SHARP programs, Alliances do not require applications, data collection, verification, or evaluation. Alliances also do not offer incentives, such as focused inspections or inspection deferral, to their signatories.